

PATENT
Attorney Docket No. UCSD-07982

REMARKS

Claims 17-22, 24, 25, 27-29, 35 and 43-54 are currently pending. In the instant Final Office Action, the Examiner has maintained the following rejection:

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- 1) Claims 17-20, 24, 25, 27-29, 35 and 43 stand rejected under 35 U.S.C. § 112 first paragraph, as allegedly lacking enablement.

Applicants thank the Examiner for withdrawing many of the rejections of the previous Office Action, and for indicating that Claims 45-54 are allowable. Applicants hereby cancel Claims 17-22, 24, 25, 27-29, 35, 43 and 44, in order to further the prosecution of the present application and Applicants' business interests, yet without acquiescing to the Examiner's arguments. Applicants reserve the right to prosecute the original, similar, or broader claims in one or more future application(s).

1) The Claims Are Enabled

The Examiner has rejected Claims 17-20, 24, 25, 27-29, 35 and 43, under 35 U.S.C. § 112 first paragraph, as allegedly lacking enablement. The Examiner states that the:

specification, while being enabling for methods of identifying a candidate agent that modulates CENP-E activity, where CENP-E activity is characterized by SEQ ID NO, does not reasonably provide enablement for methods of identifying candidate agents that modulate any and all proteins characterized by CENP-E that "corresponds to the amino acid sequence of 1-324 of SEQ ID NO:1" or that has 70% sequence identity with SEQ ID NO:1 or amino acids 1-324 of SEQ ID NO:1 (Final Office Action, page 4).

Applicants respectfully disagree that the claims lack enablement. Even so, Applicants have canceled rejected Claims 17-22, 24, 25, 27-29, 35, 43 and 44, in order to further the prosecution of the present application and Applicants' business interests, yet without acquiescing to the Examiner's arguments, and while reserving the right to prosecute the original, similar, or broader claims in one or more future application(s). As the claim cancellations obviate the enablement rejection, Applicants respectfully request that this rejection be withdrawn.

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CONCLUSION

Applicants believe that the arguments and claim amendments set forth above traverse the Examiner's rejections and therefore, request that a timely Notice of Allowance be issued in this case. However, should the Examiner believe that a telephone interview would aid in the prosecution of this application, Applicants encourage the Examiner to call the undersigned collect.

Dated: June 6, 2007

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